



HON. SYLVIA O. HINDS-RADIX
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August 17, 2022

VIA ECF

Hon. Katherine Polk Failla
District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *N.B. et al. v. N.Y.C. Dep't of Educ.*, 22-cv-1069 (KPF)(SN)

Dear Judge Failla:

I am a Special Assistant Corporation Counsel in the office of the Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, counsel for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs, and expenses for legal services regarding an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* ("IDEA"), as well as for this action.

I am writing to respectfully request a stay of this action, in which Defendant's deadline to answer or to otherwise respond is currently August 22, 2022, until 90-days following our receipt of the billing records at issue herein. Plaintiff consents to this request. This is the second request to the Court for an extension and an adjournment in this action, the first of which (ECF No. 8) – made in anticipation of receiving the billing records in the interim – was granted on May 16, 2022. Plaintiff's counsel has today agreed to immediately provide the billing records that Defendant has requested beginning June 23, 2022. We note that this is an IDEA fees-only case and liability is not at issue. The parties hope to resolve this case without the need for conferences, discovery, or motion practice and the requested extension will give Defendant time to complete the City's internal review process and to begin settlement negotiations. This office has successfully settled all of the many IDEA fees-only cases brought by Plaintiff's counsel in recent years without burdening the Court with any motion practice (with the exception of one case), and we see no reason why this case will not follow the same course.

I also respectfully request that, if a stay is granted, the parties be required to submit a joint status letter on or before the date of the expiration of the aforementioned 90 days informing the Court of settlement or proposing a briefing schedule.

Thank you for considering the requests set forth above.

Respectfully submitted,

A handwritten signature in blue ink, reading "Pasquale Viscusi".

Pasquale Viscusi, Esq. (PV 8588)
Special Assistant Corporation Counsel

cc: Irina Roller, Esq. (via ECF)

Application GRANTED. The parties are directed to file a joint status letter on or before **November 15, 2022**, informing the Court of settlement or proposing a briefing schedule. The Clerk of Court is directed to stay this case. The Clerk of Court is further directed to terminate the pending motion at docket number 11.

Dated: August 22, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE